



# ZONING BOARD OF ADJUSTMENT & APPEALS

## AGENDA REQUEST

**AGENDA OF:** 01/16/08

**AGENDA  
REQUEST NO:** III B

**INITIATED BY:** RUTH LOHMER, PLANNER II *RL*

**RESPONSIBLE  
DEPARTMENT:** PLANNING

**PRESENTED BY:** RUTH LOHMER, PLANNER II

**ASSISTANT  
PLANNING  
DIRECTOR:** DOUGLAS P. SCHOMBURG, AICP  
*D.P.S.*

**ADDITIONAL  
DEPARTMENT.  
HEAD (S):** N/A

**SUBJECT /  
PROCEEDING:** SPECIAL EXCEPTION TO THE STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT REAR  
YARD SETBACK REQUIREMENT FOR 2 TURNABOUT CT IN SUGAR CREEK SECTION 23  
PUBLIC HEARING, CONSIDERATION AND ACTION

**EXHIBITS:** STAFF REPORT, VICINITY MAP, SITE PLAN, AERIAL PHOTOGRAPH, SITE PHOTOS, PLAT EXCERPT,  
APPLICATION, PUBLIC HEARING NOTICE

### CLEARANCES

### APPROVAL

**LEGAL:** N/A

**DIRECTOR OF  
PLANNING:** SABINE SOMERS-KUENZEL,  
AICP *AK*

### RECOMMENDED ACTION

Approval of the requested Special Exception to allow the proposed addition in accordance with the attached site plan.

### EXECUTIVE SUMMARY

This is a request for a Special Exception to the Standard Single-Family Residential (R-1) district rear yard setback requirement for 2 Turnabout Court in the Sugar Creek subdivision. The property was platted as Sugar Creek Section 23 in 1976 with an 8-foot utility easement which served as the rear yard setback during development. When the property was annexed into the City of Sugar Land, R-1 zoning was applied to the subdivision. The owner has requested the Special Exception in order to construct a patio cover on the rear of the home, which would extend approximately 4.5 feet into the required 15-foot rear setback. The existing home is 12.5 feet from the property line, extending 2.5 feet into the required 15-foot rear yard setback. Additional information is attached.

File No. P0009101

### EXHIBITS

## **STAFF REPORT**

**Request for a special exception to the Standard Single-Family Residential (R-1) district rear yard setback requirement for 2 Turnabout Ct in the Sugar Creek subdivision.**

### **Analysis of Special Exception- Four Development Code Criteria:**

*After the public hearing, the Board may, by concurrence of 75 percent of its members, grant a Special Exception to a residential setback required by Chapter 2 if the Board finds that:*

#### **Criterion One:**

*The latest recorded plat of the property was approved prior to being annexed into the City;*

**Plat recorded: 1976**

**Annexed: 1984**

#### **Criterion Two:**

*The latest recorded plat of the property establishes a setback or other recorded restriction that results in a setback that is less restrictive than the setback required by the City of Sugar Land Development Code (Chapter 2)*

The plat establishes an 8-foot utility easement which served as the rear yard setback requirement during development. Chapter 2 (Zoning) requires a setback of 15 feet. The recorded restrictions for the property are less restrictive than the City of Sugar Land zoning requirements.

#### **Criterion Three:**

*Granting the Special Exception will not establish a setback that is less restrictive than the setback established by the latest approved plat or other recorded restriction; and*

The Special Exception would allow a proposed addition within 10.5 feet of the rear property line, which does not establish a setback that is less restrictive than the approved plat or recorded restrictions (8 feet).

#### **Criterion Four:**

*Granting the Special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located.*

**Staff has examined the proposed Special Exception for key aspects:**

- **Public Safety Review:** There do not appear to be any public safety issues associated with this request. Staff has not identified any safety concerns as a result of the proposed addition.
- **Proposal and the Neighborhood – Rear Setback Comparison:** The proposed addition appears to be generally compatible with the neighborhood based on an analysis of the proposed use of the site and an examination of the surrounding area. One key observation from an analysis of nearby properties is that the majority do not comply with the minimum rear yard per the zoning regulations. This is due to the subdivision being developed and the homes being built prior to annexation and zoning. These residences were largely built in compliance with the plat and recorded restrictions, as opposed to the more restrictive zoning regulations.

**Comparison of nearby properties:**

- **3 Wedgewood Ct (directly behind 2 Turnabout Ct)**  
**Does not appear to comply w/ minimum rear yard per zoning**
  - **2 Wedgewood Ct**  
**Appears to comply w/ minimum rear yard per zoning**
  - **4 Wedgewood Ct**  
**Does not appear to comply w/ minimum rear yard per zoning**
  - **3 Arrowhead Ct**  
**Does not appear to comply w/ minimum rear yard per zoning**
  - **5 Arrowhead Ct**  
**Appears to comply w/ minimum rear yard per zoning**
  - **7 Arrowhead Ct**  
**Does not appear to comply w/ minimum rear yard per zoning**
- 
- **Proposal and the Neighborhood – General Architectural & Landscape Context:** If it is of concern to the Board, the proposed addition appears to be architecturally compatible with the neighborhood. The Board may request additional information, such as proposed building elevations, to tie to the granting of the special exception if necessary.

**Conditions:**

*To ensure that the granting of a special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located, the Board may, as part of its decision to grant a Special Exception:*

- 1. Impose reasonable conditions or restrictions; and*
- 2. Grant a setback between the setback requested and the setback currently established in the residential zoning district.*

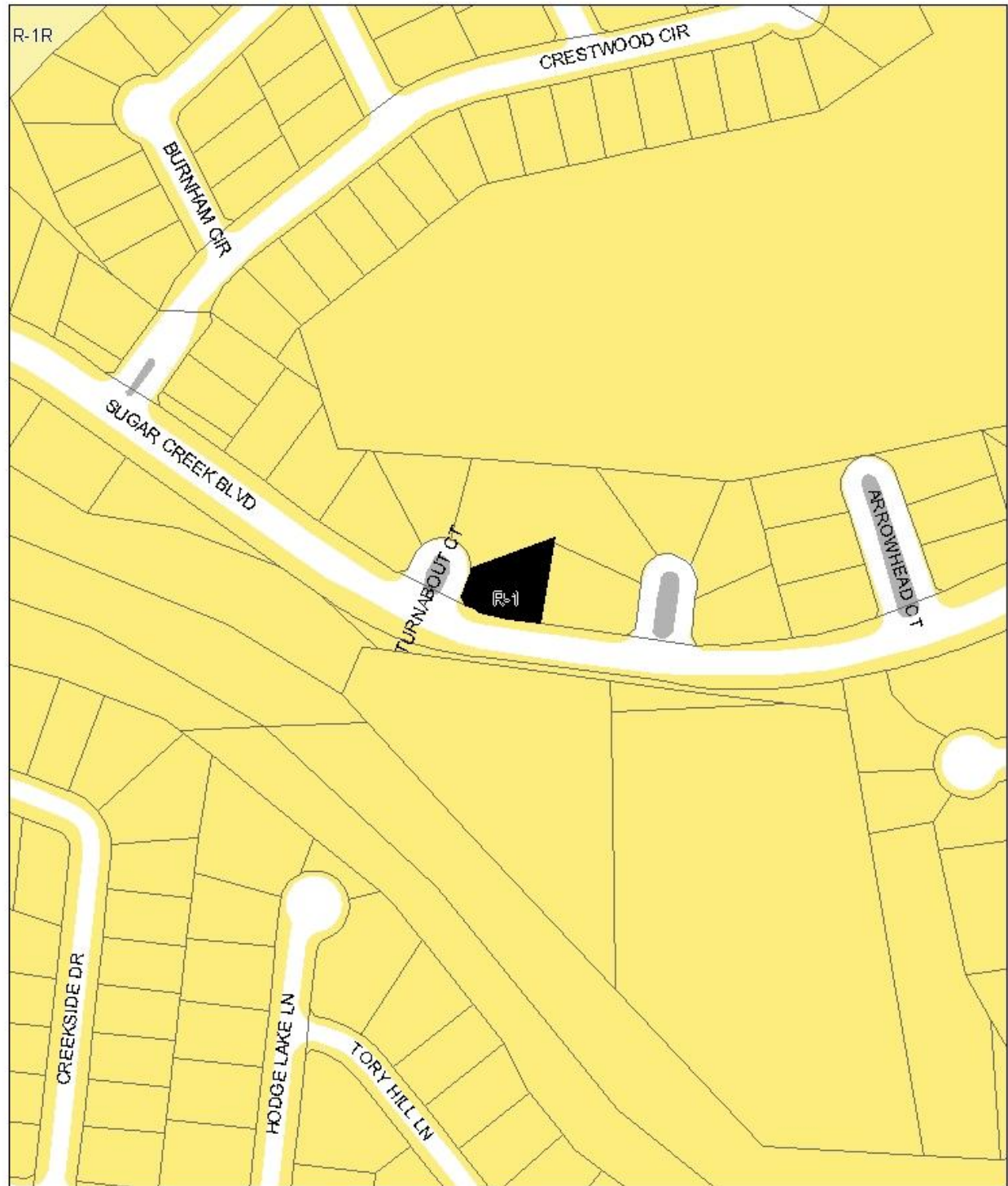
**Staff Recommendation**

**Staff recommends that the Special Exception be approved subject to the following condition:**

- **Attachment of site plan to Special Exception showing proposal**

VICINITY MAP

**2 TURNABOUT CT**



R-1R

CRESTWOOD CIR

BURNHAM CIR

SUGAR CREEK BLVD

TURNABOUT CT

R-1

ARROWHEAD CT

CREEKSIDE DR

HODGE LAKE LN

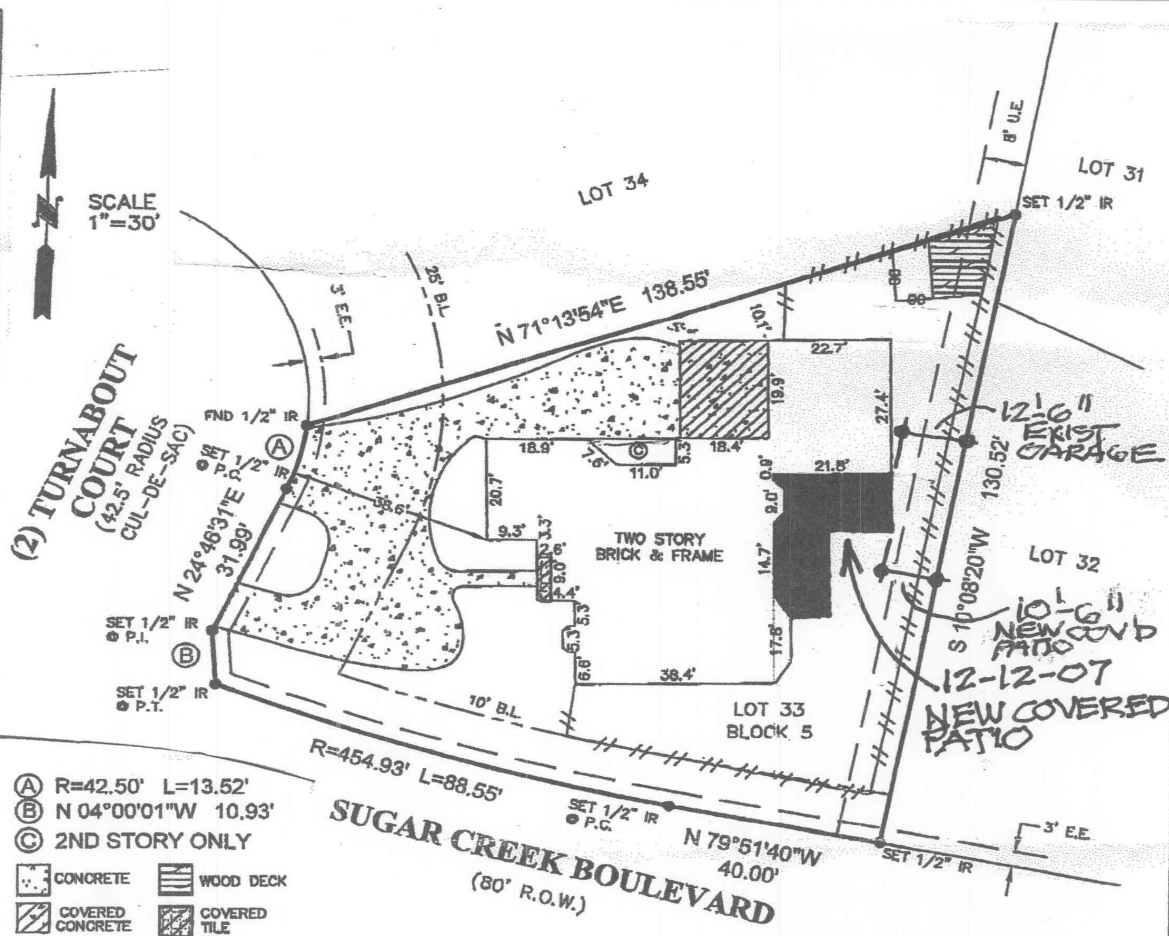
TORY HILL LN

200



Feet





## SITE PLAN



- (A) R=42.50' L=13.52'  
 (B) N 04°00'01"W 10.93'  
 (C) 2ND STORY ONLY

 CONCRETE
  WOOD DECK

 COVERED CONCRETE
  COVERED TILE

NOTE: RESTRICTIVE COVENANTS AS RECORDED IN V-17, P-13, V-506, P-536, V-756, P-204, CLERK'S FILE 99108091, 2001120870.  
NOTE: EASEMENT(S) TO H.L.&P. CO. AS RECORDED IN V-760, P-135.  
NOTE: EASEMENT(S) TO ENTEX, INC. AS RECORDED IN V-767, P-684.  
NOTE: AN AGREEMENT WITH H.L.&P. CO. AS RECORDED IN V-781, P-201.  
NOTE: FLOWAGE EASEMENT AS RECORDED IN V-755, P-17, V-774, P-864, V-809, P-883 & 887, V-890, P-191.  
NOTE: AN AGREEMENT FOR CABLE TELEVISION AS RECORDED IN V-972, P-133.

BUYER

## WANDA WOODLOCK

PROPERTY ADDRESS

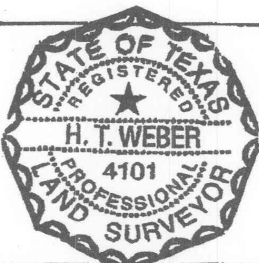
## 2 TURNABOUT COURT

DESCRIBED PROPERTY

LOT 33, IN BLOCK 5, OF SUGAR CREEK, SECTION 23, AN ADDITION IN FORT BEND COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 17, PAGE 13, OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS.

DEC 17 2007

REVISID: TITLE &amp; BUYER NAMES 4-16-07



I do hereby certify that this survey was this day made on the ground of the property legally described hereon, (or on the attached sheet), is correct, and there are no encroachments except as shown, and was done by me or under my supervision, and conforms to or exceeds the current standards or adopted by the Texas Board of Professional Land Surveying.

SUBJECT PROPERTY DOES NOT LIE IN A F.I.A.  
DESIGNATED FLOOD ZONE AS PER FLOOD MAP NO:

480234 48157C 0255 J 1-3-97 ZONE X

INVOICE#	39051	JOB#	3-741-07
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Q.F.#	27000276	DATE	3-27-07
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NOTES

-ALL BEARINGS ARE PER PLAT, DEED, OR AS ASSUMED  
-THIS SURVEY IS CONFIRMED FOR THIS TRANSACTION ONLY, IT IS NOT  
TRANSMISSIBLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.  
-SUBJECT TO ANY AND ALL RECORDED AND UNRECORDED EASEMENTS,  
-FLOOD DAMAGE NOT BEING BASED ON SETTING ONLY, DUE TO PRESENT  
RECORDINGS ON YEMA MADE, WE CANNOT ASSUME RESPONSIBILITY FOR  
EXACT DETERMINATION.  
-THERE ARE NO NATURAL DRAINAGE COURSES ON THIS PROPERTY.

OFFICE	M.E.
DRAFTING	R.G.
FILED - CONTROL	

**SURVEY**  
P.O. BOX 2543 • ALVIN, TX 77512  
(800) 542-4388 F-1 (804) 702-1803



AERIAL PHOTOGRAPH

**2 TURNABOUT CT**



50  
Feet





## **SITE PHOTOS**

***Front of House:***



***Rear Yard Side View:***



**PLAT EXCERPT**

2 Turnabout Ct



**ADDRESS: 2 TURNABOUT CT**

**PROPERTY IS PLATTED AS:**

**LOT 33, BLOCK 5, SUGAR CREEK SECTION 23, RECORDED AS INSTRUMENT NUMBER  
1175415, IN SLIDE NUMBER 220A AND 220B, IN THE FORT BEND COUNTY PLAT  
RECORDS  
(RECORDED IN 1976)**



# APPLICATION



RECEIVED

DEC 17 2007

Oper: ASUNLIN Type: OC Drawer: 1  
Date: 12/17/07 01 Receipt no: 54869  
ZC 10 ZONING & COND 1 \$500.00  
CK CHECK \$500.00  
Total tendered \$500.00  
Total payment \$500.00  
Trans date: 12/17/07 Time: 9:47:53

FOR OFFICE USE  
Accounting Code: ZC

## CITY OF SUGAR LAND PLANNING DEPARTMENT

### SPECIAL EXCEPTION REQUEST APPLICATION ZONING BOARD OF ADJUSTMENT

Please fill out the following information & return your submittal to the Planning Department

APPLICANT: WANDA WOODLOCK (OWNER)  
Address: #2 TURNABOUT CT, SUGAR LAND, TX 77479  
Company: ---  
Phone: 713-822-0583  
Fax: ---  
Email: WWOODLOCK@AOL.COM

OWNER / AGENT:  
Contact / Company: JIM MERRIMAN / JRM ARCHITECTS, INC  
Address: 804 E GREENBELT DR SUGAR LAND, TX 77478  
Phone: 281-242-6800  
Fax: 281-242-1959  
Email: JIM@JRMARCHITECTS.COM

Please provide the following additional information as required under the Development Code (Chapter 2, Article I, Part 6):

Address and legal description of the property: #2 TURNABOUT CT / LOT 33, BLOCK 5, SUGAR LAND, TX / SECTION 23 - SUGAR CREEK

Date the property became subject to the city's zoning or extraterritorial jurisdiction: 1984

Date the property was annexed into the City: 1984

This is to certify that the information on this form is complete, true, and correct and the undersigned is authorized to make this application. (Must be signed by property owner)

X Wanda Woodlock Date: 12/14/07  
Signature of Applicant

#### SUBMITTAL REQUIREMENTS:

- THREE (3) copies of Application
- Submittal Fee: \$500 (non-refundable)
- Three (3) copies of site plan / plot plan (scaled/dimensioned drawing showing location of proposed building) at 24"x36" and One (1) copy at 11"x17"
- Address of property owners located within 200 feet
- Copy of the recorded plat of the property
- Copy of the recorded covenants and restrictions for the property

## **NOTICE OF PUBLIC HEARING**

### **REQUEST FOR A SPECIAL EXCEPTION TO THE REAR YARD SETBACK REQUIREMENT IN THE STANDARD SINGLE-FAMILY (R-1) RESIDENTIAL DISTRICT AT 2 TURNABOUT COURT**

**NOTICE OF PUBLIC HEARING REGARDING A REQUEST FOR A SPECIAL EXCEPTION TO THE REAR YARD SETBACK REQUIREMENTS IN THE STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT AT 2 TURNABOUT COURT, MORE SPECIFICALLY DESCRIBED AS LOT 33, BLOCK 5, SUGAR CREEK SECTION 23 SUBDIVISION, PLATTED AS INSTRUMENT NUMBER 1175415, IN SLIDE NUMBER 220A AND 220B, IN THE FORT BEND COUNTY PLAT RECORDS.**

**PURPOSE:** One (1) public hearing shall be held at which all persons interested in the proposed Special Exception request shall be given an opportunity to be heard.

**WHERE:** CITY OF SUGAR LAND CITY COUNCIL CHAMBER  
CITY HALL  
2700 TOWN CENTER BOULEVARD NORTH  
SUGAR LAND, TEXAS

**WHEN:** CITY OF SUGAR LAND  
ZONING BOARD OF ADJUSTMENT  
5:00 P.M., JANUARY 16, 2008

**DETAILS OF THE PROPOSED SPECIAL EXCEPTION MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE AT (281) 275-2218 OR BY EMAIL AT [PLANNING@SUGARLANDTX.GOV](mailto:PLANNING@SUGARLANDTX.GOV). THE PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED AT CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO GO OVER ADDITIONAL DETAILS IN PERSON.**